IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4581 OF 2006

1. Sagar Subhash Rankhambe & Ors. .. Petitioners.

V/s.

1. The Chief Executive Officer,
Zilla Parishad Sangli and others .. Respondents.

Mr.S.D.Patil for the Petitioners.

Mr.R.D.Rane,Govt.Pleader for the Respondent Nos.1 to 4.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.

DATED : 12TH MARCH, 2007.

P.C.:

. The petitioners' appointment to the post of health worker in the Zilla Parishad, Sangli was not considered as they did not possess the requisite qualification as required in terms of the Maharashtra Zilla Parishads District Services (Recruitment) (Amendment) Rules, 2003. The case of the petitioner is that as per the Government Resolution dated 19th of March, 2003, the time is granted to such candidates to obtain requisite qualification within two years of being appointed in the government service.

2. We have heard the learned counsel for the petitioners. Firstly, the requirement of qualification is based on the rules which are in the nature of subordinate legislation. The government resolution would be in the nature of administrative instructions and cannot over-ride the provisions of the subordinate legislation. Secondly, the Rules have come into force on 4th of December, 2003, that is after the Government Resolution dated 19th March, 2003. In other words, the Rules are subsequent to the government resolution and would prevail over the government resolution. Assuming that the procedure as contained in the G.R. is being followed by other Zilla Parishad, that by itself is not a ground to arrive at a decision that the order of respondent is illegal. Apart from that, we are informed that the candidates have already been appointed, who are not parties in this petition.

3. In the light of the above, the petition is dismissed with no order as to costs.

(F.I.REBELLO,J.)

(R.M.SAVANT,J.)

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